

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

_____)	
Cambridge Electric Light Company)	D.T.E. 01-94
Western Massachusetts Electric Company)	D.T.E. 01-99
_____)	

**OPPOSITION TO LATE-FILED PETITION TO INTERVENE OF
CONSERVATION LAW FOUNDATION**

I. INTRODUCTION

On July 30, 2002, Cambridge Electric Light Company (“Cambridge”) and Western Massachusetts Electric Company (“WMECO”) received by e-mail a Petition for Intervention apparently filed with the Department of Telecommunications and Energy (the “Department”) by the Conservation Law Foundation (“CLF”) on July 29, 2002 (the “CLF Petition to Intervene”). For the reasons set forth below, Cambridge and WMECO submit that the Department should reject the late-filed CLF Petition to Intervene.¹

II. ARGUMENT

Cambridge’s Petition was filed in its proceeding on November 2, 2001. WMECO’s Petition was filed in its respective proceeding on November 19, 2001. Pursuant to notice duly issued by the Department, the intervention deadline in each docket was January 7, 2002.² Accordingly, the CLF Petition to Intervene is submitted more than six months after the established deadline for intervention (and well subsequent to the adjudication of the case), and thus, is out of time. In addition, the CLF Petition to

¹ Along with the CLF Petition to Intervene, CLF submitted comments on the amended transaction. Inasmuch as CLF is not, and should not become, a party to this proceeding, the Department need not accept or consider CLF’s out-of-time comments.

² The Department’s notices stated: “[a] petition [to intervene] filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4).”

Intervene offers no excuse for its lateness. The Department's precedent on such late-filed requests is good cause shown. Cambridge Electric Light Company, Commonwealth Electric Company and Canal Electric Company, D.T.E. 98-78/83, at 7 (October 26, 1998). Because the CLF Petition to Intervene does not offer any good cause for its lateness, it fails to meet the Department's established standard.

Further, even if the CLF Petition to Intervene were not filed so belatedly, and even if CLF presented a semblance of good cause for its lateness, CLF has failed to show in any manner how CLF is substantially and specifically affected by the outcome in this proceeding. 220 C.M.R. 1.03(1)(b); Arnold B. Tofias v. Energy Facilities Siting Board, et al., 435 Mass. 340 (2001). CLF's mere recitation of a "deep and intimate involvement" in a proceeding in a neighboring state (CLF Petition to Intervene at 1) falls far short of satisfying the statutory standard for intervention. CLF should have taken more timely actions to protect its claimed interest, if it were so deeply and intimately concerned about the divestiture of Vermont Yankee. The extreme lateness of CLF's Petition to Intervene belies its assertion of "deep and intimate" interest, and should be rejected by the Department.

III. CONCLUSION

For all of the reasons set forth herein, Cambridge and WMECO respectfully request that the Department reject the late-filed CLF Petition to Intervene and disregard CLF's accompanying comment letter.

Respectfully submitted,

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